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STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

The City of Shelbyville, Illinois, Complainant,)	
v.)) T02-118	
Union Pacific Railroad Company and the State of Illinois, Department of Transportation, Respondents.)	JAN 2 9 2003 Illinois Commerce Commission FAIL SAFETY SECTION
Complaint as to the failure of the Union Pacific Railroad to repair/replace the railroad crossing located on Illinois State Route 16 located within the City limits of the City of Shelbyville, Illinois.))))	

RESPONSE TO COMPLAINT

NOW COMES Respondent, Union Pacific Railroad Company, by and through its employee representative, Roy P. Farwell, and as its Response to the City of Shelbyville's Complaint, Union Pacific Railroad Company states as follows:

- 1. Union Pacific Railroad Company has no objection to the Illinois Commerce

 Commission entering an order for the repair/replacement of the at-grade crossing (DOT/AAR

 No. 166 968P) located within the limits of the City of Shelbyville; provided that the ordered

 project scope (scope of work) is identical to the items of work delineated in the Agreement

 entered into by and between the Department and the Union Pacific Railroad Company on July

 22, 2002 (Attached to the Department of Transportation's previously filed Response as Exhibit A

 thereto).
- 2. Union Pacific Railroad Company has no objection to the Illinois Commerce Commission entering an order directing the work to be completed by May 1, 2003.

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3. Union Pacific Railroad Company has no objection to the Illinois Commerce Commission entering an order directing the Department be responsible for the cost of repairing/replacing at-grade crossing DOT/AAR No. 166 968P; so long as the scope of work is in accordance with the terms of the Department/UP Agreement (Department of Transportation's Exhibit A).

WHEREFORE, Respondent, Union Pacific Railroad Company respectfully requests that the Illinois Commerce Commission enter an Order for the repair/replacement of at-grade crossing DOT/AAR No. 166 968P by May 1, 2003 in accordance with the terms of the submitted Agreement (Department of Transportation's Exhibit A); thereby resolving all issues in question and therefore requests that no hearing be deemed necessary in this regard.

UNION PACIFIC RAILROAD COMPANY

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CERTIFICATE OF SERVICE

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